

Ralph Ginzburg, Middlesex, N.J., And the First Amendment

By MERLE MILLER

A FEW days before Ralph Ginzburg was sent off to jail for being "a leering sensualist" and "a panderer," Melvin L. Wulf, legal director of the American Civil Liberties Union, said that his conviction had been "one of the great crimes of the century." And while in this criminal century that may be something of an exaggeration, there is no doubt that putting Ralph Ginzburg in prison was, as Mr. Wulf said a few days later, "... a great anachronism ... a crime ... an enormous blunder."

It would seem therefore that Ginzburg, who is now serving a three-year term in a minimum-security Federal prison in Pennsylvania called Allenwood Farm Camp, ought to be emerging as something of a martyr, with speeches in his behalf on the floor of Congress, marches outside Allenwood, and at least one rally in or near Madison Square Garden, or at the very least in Bryant Park or Union Square. But that has not happened.

And people like Bella Abzug and, say, Abbie Hoffman or the Daniels Berrigan and Ellsberg—who are ever ready to take on an unpopular or even, sometimes, a popular cause—have been strangely silent so far as Ginzburg is concerned. His imprisonment was deplored in a mild sort of way the week it happened, but since then most people have seemed delighted to forget all about it.

I'm afraid Ralph Ginzburg is just not a proper martyr. In the first place, his appearance is against him. The mustache he wore until he went to prison was, to state it kindly, preposterous. It always looked as if it were something he had picked up hurriedly and in the dark at a shabby Times Square costume shop; surely it had been on sale, a remaindered item. The glasses he wore were utterly without distinction. They were neither proper executive horn-rims nor the kind of steel-rimmed granny glasses that are so popular with the young. The rims were thin and black, somehow menacing; behind them, one felt, the man might

indeed be leering sensually; he certainly looked, as it said in all those ads for Moneysworth, as if he were a skinflint, possibly a dealer in dirty postcards as well.

And the way he dressed. The day I first met him he had on an aging corduroy suit ("I've gone for as long as seven years without buying a new suit"), a faded blue denim shirt, a stringy blue tie that could have been inherited from a distant relative, and work shoes. Ginzburg took me to

jail Ginzburg said, somewhat wistfully, "I have no criticism of my lawyers; they've been great, but I sometimes think I'd have been better off if I'd argued my own case before the Supreme Court. You can do that, you know." My own feeling is that if he had done that, the decision against him would have been 9-0 instead of 5-4.

The day he went to Lewisburg, Pa., to turn himself in, the man who is possibly his oldest friend said, "If

The former publisher of Eros is a most improbable martyr, but his conviction touches the basics of what freedom of the press is all about.

lunch in a kosher restaurant where the food was edible, but barely. He referred to it as "a long lunch;" it lasted 25 minutes. I had never before encountered "a pornographer" or "a smut king," and I didn't really know what to expect. I had been told by a former associate of Ginzburg's that in his publications he had "an uncanny ability to go straight for the vulgar." Another one-time friend said, "Ralph is without a single redeeming social feature. He is a loud and obnoxious man, and the reason he is going to jail is that he acts badly in courtrooms."

About that last. It isn't so much that Ginzburg tries to outrage judges, the way the defendants did in the Chicago conspiracy trial, for instance; his ability to annoy seems to come quite naturally. In Philadelphia, during his trial for "sending obscene matter through the mails," Ginzburg showed up in court wearing a flat straw hat and a black pin-striped suit with a white carnation in his lapel. Something about his outfit seems to have incensed the Honorable Ralph C. Body, who was heard to demand of a clerk, "Where does he think he's going, to his wedding?" When one of Ginzburg's lawyers suggested that more subdued apparel

body's going to tell me how to dress. This is a free country, isn't it?"

Ralph doesn't meet the warden, he'll be out in a month. If he does, it'll be life plus 99 years."

GINZBURG'S accent is pure Brooklyn, and he is an insistent man. He considers himself a pioneer, a crusader freeing inhibited Americans from their sexual hang-ups. "I'm being punished for being ahead of my time, for being too outspoken. Anybody who comes on strong these days pays the price. . . . They're putting me in jail because by doing that they think they are locking up the national libido."

Mostly, though, his conversation, which is laden with clichés, might be that of an aging Eagle Scout (Ginzburg is 42) or a Methodist Sunday School teacher. He spent a good deal of time explaining that he worked out three times a week in a gymnasium, that he is a jogger, a hiker, a climber of an occasional mountain, that he is a member of the Audubon Society, and that he neither smokes nor drinks. Indeed, before going to lunch, the only bottle he brought out was a bottle of vitamin pills, and I noticed that on his desk was a list of things he was planning to take to prison: "... vitamins E and C, white wool socks, heavy knit Proust's 'The Captive,' harmonica?"

His conversation is very much like

MERLE MILLER is working on a fiction book about Marshalltown, Iowa, where he was born and raised, and where he expects his novel, "What Happened,"